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Attorneys for Defendant
JETBLUE AIRWAYS CORPORATION
(erroneously named as JETBLUE AIRLINES
CORPORATION)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Christopher Booher and Patricia Reid,
individually, on behalf of others similarly
situated, and on behalf of the general public,

Plaintiffs,

vs.

JetBlue Airways Corporation,

Defendant.

Case No. 4:15-cv-01203-JSW

JOINT STIPULATION ALLOWING
PLAINTIFFS TO FILE A SECOND
AMENDED COMPLAINT
AND ORDER THEREON

1 The parties, by and through their attorneys of record, hereby stipulate and agree as follows,
2 pursuant to Fed. R. Civ. P. 15(a)(2):

3 WHEREAS, on March 16, 2015, Plaintiff Christopher Booher filed his initial complaint
4 asserting claims under the California Labor Code (failure to pay minimum wage, failure to pay
5 overtime, waiting time penalties, failure to provide itemized wage statements), the San Francisco
6 Minimum Wage Ordinance, and the California Business and Professions Code (ECF No. 1);

7 WHEREAS, Defendant JetBlue Airways Corp. filed its answer on May 8, 2015 (ECF No.
8 15);

9 WHEREAS, on June 26, 2015, the Court issued a Minute Order (ECF No. 25), allowing the
10 parties until August 31, 2015 to amend pleadings;

11 WHEREAS, on August 31, 2015, Plaintiff Booher filed a Joint Stipulation Allowing
12 Plaintiffs to File a First Amended Complaint (ECF No. 28);

13 WHEREAS, on August 31, 2015, the Court granted the Parties' Stipulation Allowing
14 Plaintiff Booher to File a First Amended Complaint (ECF No. 29);

15 WHEREAS, on August 31, 2015, Plaintiffs Booher and Patricia Reid filed their First
16 Amended Complaint (ECF No. 30);

17 WHEREAS, Defendant filed its Answer to the First Amended Complaint on September 21,
18 2015 (ECF No. 31);

19 WHEREAS, Plaintiffs wish to add claims under the Private Attorneys General Act of 2004,
20 Cal. Lab. Code §2698 *et seq.*;

21 WHEREAS, on September 2, 2015, Plaintiffs gave written notice by certified mail to the
22 Labor and Workforce Development Agency and JetBlue Airways Corp. of the alleged violations of
23 the California Labor Code;

24 WHEREAS, the Labor and Workforce Development Agency has not responded within 33
25 calendar days of the postmark date of the notice;

26 WHEREAS, PAGA provides Plaintiffs a right to amend their complaint within 60 days of
27 exhaustion of administrative relief, Cal. Lab. Code § 2699.3(a)(2)(C));

28 WHEREAS, the Parties further agree that Defendant's response to the Second Amended

Complaint will be due twenty-one (21) days after the date Plaintiffs file their Second Amended Complaint; and

WHEREAS, the Parties have not reached agreement as to whether Plaintiffs' PAGA claims relate back to the filing of this Action, and expressly reserve all rights to address this issue in later motion practice.

WHEREFORE, the parties hereby STIPULATE AND AGREE that Plaintiffs may have leave to file their Second Amended Complaint, attached in clean and redlined form as Exhibit A, and that Defendant's response to the Second Amended Complaint will be due twenty-one (21) days after the date Plaintiffs file their Second Amended Complaint.

Dated: November 3, 2015

NICHOLS KASTER, LLP

By s/ Matthew C. Helland
Matthew C. Helland
Daniel S. Brome
Attorneys for Plaintiffs

Dated: November 3, 2015

MORGAN, LEWIS & BOCKIUS LLP

By s/ Daryl S. Landy
Daryl S. Landy
Anna Kim
Brendan T. Killeen
Attorneys for Defendant
JETBLUE AIRWAYS CORPORATION
(erroneously named as JetBlue Airlines Corporation)

I, Matthew C. Helland, attest that I have obtained concurrence from Daryl S. Landy in the filing of this Joint Stipulation Allowing Plaintiffs to File a Second Amended Complaint. *See* N.D. Cal. Civ. L.R. 5-1(i)(3).

~~PROPOSED~~ ORDER

Pursuant to the stipulation of counsel, IT IS SO ORDERED.

Dated: November 9, 2015


Hon. Jeffrey S. White
United States District Court Judge